

1 SENATE BILL NO. 146

2 INTRODUCED BY B. KEENAN

3 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING REQUIREMENTS FOR WATER AND WASTEWATER
6 OPERATOR CERTIFICATION; AMENDING SECTION 37-42-102, MCA; REPEALING SECTION 37-42-103,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 WHEREAS, section 37-42-102(8), MCA, currently contains three elements in the definition of a
10 "wastewater treatment plant" and defines it as a plant that treats wastewater, that discharges an effluent
11 directly into state waters, and that is either an industrial waste discharge system or a public sewage
12 system as defined in section 75-6-102, MCA; and

13 WHEREAS, section 75-6-102(9), MCA, already defines "industrial waste discharge system" as a
14 system that discharges industrial waste into state waters; and

15 WHEREAS, the current definition of "wastewater treatment plant" in section 37-42-102(8), MCA,
16 which includes only systems that discharge directly to state waters, may restrict regulation more than is
17 desired so that some public sewage systems might not be required to have a certified operator; and

18 WHEREAS, the Legislature wishes to require public sewage systems, whether or not they discharge
19 to state waters, and systems that process industrial waste water and discharge to state waters to be
20 operated by certified operators; and

21 WHEREAS, removing the requirement that a discharge to state waters is necessary from the
22 definition of a "wastewater treatment plant" would clarify that intent; and

23 WHEREAS, section 37-42-103, MCA, exempts public water supplies and sewage systems serving
24 fewer than 15 or more service connections or 25 or more people for at least 60 days of the calendar year
25 from the requirement of having a certified operator in responsible charge; and

26 WHEREAS, a water supply or sewage system that does not serve 15 service connections or 25
27 or more people for at least 60 days of the calendar year is already excluded from the definition of a "public
28 sewage system" and the definition of a "public water supply system" under section 75-6-102(15) and
29 (16), MCA, and is therefore not required to have a certified operator; and

30 WHEREAS, industrial waste discharge systems generally do not serve 15 or more service

connections or 25 or more people for at least 60 days of the calendar year, and the exemption in section 37-42-103, MCA, might be interpreted to exempt industrial waste discharge systems from needing to have certified operators; and

WHEREAS, repeal of section 37-42-103, MCA, would clarify that industrial waste discharge systems that discharge an effluent to state waters require certified operators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-42-102, MCA, is amended to read:

"37-42-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Certificate" means a certificate of competency issued by the department, stating that the operator holding the certificate has met the requirements for the specified operator classification of the certification program.

(2) "Community water system" means ~~the term as defined in 75-6-102~~ A PUBLIC WATER SUPPLY SYSTEM THAT SERVES AT LEAST 15 SERVICE CONNECTIONS USED BY YEAR-ROUND RESIDENTS OR THAT REGULARLY SERVES AT LEAST 25 YEAR-ROUND RESIDENTS.

(3) "Council" means the water and wastewater operators' advisory council provided for in 2-15-2105.

(4) "Department" means the department of environmental quality provided for in 2-15-3501.

(5) "Nontransient noncommunity water system" means a public water system, as defined in 75-6-202, that is not a community system and that regularly serves at least 25 of the same persons for at least 6 months a year.

(6) "Operator" means the person in direct responsible charge of the operation of a water treatment plant, water distribution system, or wastewater treatment plant.

(7) "State waters" means the term as defined in 75-6-102.

(8) "Wastewater treatment plant" means a facility that:

(a) is designed to remove solids, bacteria, or other harmful constituents of sewage, industrial wastes, or other wastes;

~~(b) discharges an effluent directly into state waters; and~~

1 ~~(e)~~(b) is part of either an industrial waste discharge system or a public sewage system as defined
2 in 75-6-102.

3 (9) "Water distribution system" means that portion of the water supply system that conveys water
4 from the water treatment plant or other supply source to the premises of the consumer and that is part
5 of a community water system or a nontransient noncommunity water system.

6 (10) "Water supply system" means a system of pipes, structures, and facilities through which
7 water is obtained, treated, sold, distributed, or otherwise offered to the public for household use or use
8 by humans and that is part of a community water system or a nontransient noncommunity water system.

9 (11) "Water treatment plant" means that portion of the water supply system that alters either the
10 physical, chemical, or bacteriological quality of the water and renders it safe and palatable for human use."

11
12 NEW SECTION. **Section 2. Repealer.** Section 37-42-103, MCA, is repealed.

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14 NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that
15 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
16 act].

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18 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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